

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – March 4, 2010

Mayor Dick O'Brien called the City Council meeting for Thursday, March 4, 2010, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Roby, Bynum, and Lange.

Councilmember Roby gave the opening prayer which was followed by the Pledge of Allegiance.

#20939. Councilmember Bynum moved to approve the minutes of the February 18, 2010 City Council meeting, the January 28 and 30, 2010 and February 1-3, 6, 10, 11 and 16, 2010 budget meetings, and the February 11, 2010 Executive Session. Seconded by Councilmember LeRette. All ayes; motion carried.

#20940. Councilmember Lange moved to approve the Consent Agenda as follows: First reading for a new Class B Beer and Sunday Sales Permit for Supreme Fitness LLC, 303 Cleveland Street (pending inspections and receipt of final paperwork); renewal of a Class C Liquor License with Sunday Sales and Outdoor Service for The Rendezvous, 3127 Lucas Street – Cindy's Rendezvous LLC; renewal of a Class C Liquor License with Sunday Sales for Diamond Dave's Taco Co., 2608 2nd Avenue – South of the Border Inc.; filing of Communications A-I; and Bills for Approval totaling \$909,664.13 as well as receipt summaries and journal entries for October 2009. Seconded by Councilmember Roby. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning the proposed complaint against a retail cigarette permit holder for violating Iowa Code Chapter 453A.

City Attorney Harvey Allbee Jr. stated this violation is in connection with compliance checks made by the Police Department. It was determined that Reif Oil Company, doing business as Muscatine Fast Break, was in violation of the state statute that prohibits the sale of tobacco products to minors. He stated Council has before them the various documents stemming from this violation. He asked if there was anyone in the audience representing Reif Oil Company that would like to speak pertaining to this violation. There was no response.

City Attorney Allbee stated the civil penalty for this violation is \$300. He stated it would be appropriate at this time for City Council to adopt the resolution assessing the civil penalty which must be paid to the city on or before May 4, 2010.

#20941. Councilmember Fitzgerald moved the resolution be adopted approving the order assessing a civil penalty in the amount of \$300 against Reif Oil Company, doing business as Muscatine Fast Break, to be paid on or before May 4, 2010. Seconded by Councilmember Lange. All ayes: Councilmembers LeRette, Fitzgerald, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20942. Councilmember Roby moved to approve the request for the use of city property from the Mississippi Valley Child Protection Agency for a walk/run on Saturday, May 15, 2010. Seconded by Councilmember Bynum. All ayes; motion carried.

#20943. Councilmember Fitzgerald moved to approve the reappointment of Brandy Dulceak Olson to the Civil Service Commission. Seconded by Councilmember Lange. All ayes; motion carried.

#20944. Councilmember Roby moved to adopt on final reading an ordinance providing for the division of taxes levied on taxable property in the Muscatine 2010 Industrial Urban Renewal Area Pursuant to Section 403.19 of the Code of Iowa and directed for its publication. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Bynum, Roby, and Lange. Motion carried and ordinance adopted on final reading.

#20945. Councilmember Lange moved the resolution be adopted approving the order accepting acknowledgement/settlement agreements and imposing civil penalties with regard to cigarette permit holders violating Iowa Code 453A.2. Seconded by Councilmember Bynum.

City Attorney Allbee stated this action involves two cigarette permit holders who did sign and return their settlement agreements and pay the civil penalties. He stated it would be appropriate at this time to adopt the resolution as submitted.

Vote – All ayes: Councilmembers LeRette, Fitzgerald, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20946. Councilmember Bynum moved the resolution be adopted approving the modification of the airport hangar lease agreement with Bridgestone Americas Inc. Seconded by Councilmember Fitzgerald.

Councilmember Roby asked if a 20-year lease was normal.

Councilmember Fitzgerald stated the corporation built the hangar and donated it back to the city and in turn paid a rental fee of \$1 per month.

City Attorney Allbee stated this agreement will expire on April 4, 2011. He stated the only change at this time is the entity. He stated that once the lease expires, a new lease will have to be negotiated.

Vote – All ayes: Councilmembers LeRette, Fitzgerald, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20947. Councilmember Fitzgerald moved the resolution be adopted accepting the low bid from North Construction in the amount of \$34,987 for the Muscatine Owner-Occupied Housing Rehabilitation Program for 1407 Mill Street. Seconded by Councilmember LeRette.

Councilmember Bynum stated the grant allows for \$24,999 but the bid came in higher. He asked who was responsible for the overage.

Steve Boka, the city's Planning, Zoning and Building Safety Director, stated that more than likely, a large portion of the bid amount is for lead-based paint abatement. He stated that anything over and above the allowed amount will be the responsibility of the property owner.

Vote – All ayes: Councilmembers LeRette, Fitzgerald, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20948. Councilmember LeRette moved to approve the request to enter into a professional agreement with HLW Engineering Group for solid waste services. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#20949. Councilmember Lange moved to approve the State of Iowa Federal-Aid Grade Crossing Surface Repair Force Account Agreements for Sampson Street, Oregon Street, and 9th and 5th streets. Seconded by Councilmember Bynum. All ayes: Councilmembers LeRette, Fitzgerald, Bynum, Roby, and Lange. Motion carried.

#20950. Councilmember Bynum moved to approve April 26-30, 2010 as Spring Cleanup Week. Seconded by Councilmember Roby.

Councilmember Lange asked if leaves would be picked up in April.

Public Works Director Randy Hill stated they would be picked up every Friday in April. He stated the city would also be leasing additional street sweepers in April as well.

Councilmember Fitzgerald stated the transfer station is open on Saturdays for those who would rather dispose of their own items. He also stated the fee is very reasonable.

Solid Waste Manager Laura Liegois stated the minimum amount is \$7.00 for up to 240 pounds and it gradually increases from there. She stated the transfer station is open during the week from 7 a.m. to 3:30 p.m. and on Saturdays from 7 a.m. to 2 p.m.

She then listed the items that will be picked up during Spring Cleanup Week.

Vote – All ayes; motion carried.

#20951. Councilmember Roby moved to approve the request from the Police Department to declare two vehicles as surplus. Seconded by Councilmember LeRette. All ayes; motion carried.

#20952. Councilmember Fitzgerald moved to approve the police contract effective July 1, 2010 through June 30, 2011. Seconded by Councilmember LeRette.

Human Resources Manager Stephanie Romagnoli stated there was one correction. She stated the increase for the uniform allowance should be \$850.

Vote – All ayes; motion carried.

#20953. Councilmember Roby moved to approve the City Council's 2010 Goals and Objectives. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#20954. Councilmember Lange moved to approve the contract with GATSO USA for the Automated Traffic Enforcement Project. Seconded by Councilmember Fitzgerald.

Councilmember Lange stated he had contacted the Davenport Police Department concerning their camera usage and updated City Council on his findings. He then asked who would determine whether or not a vehicle is in violation.

Police Chief Coderoni stated city personnel would review the results online and make that determination and the company would not be involved. He pointed out that violators would not be ticketed but rather would receive a letter informing them of the violation. He stated payment could be sent to the vendor, the city (not a good idea), or the fine could be paid online.

There was discussion on the personnel needed for this activity as well as the length of the amber lights.

Chief Coderoni stated the survey will indicate whether or not the length of the amber lights should be adjusted. These adjustments would be made by Muscatine Power & Water.

There was discussion on the signage indicating the use of cameras as well as placement of the cameras on highways.

Chief Coderoni, speaking in reference to the placement of cameras on highways, stated that Cedar Rapids is in the process of installing cameras on Interstate 380. He stated that to do so does require the approval of the Iowa Department of Transportation.

Chief Coderoni pointed out the survey will indicate whether there is a problem at the intersections monitored by GATSO. They will make the determination on whether the cameras are needed or not.

Vote – All ayes; motion carried.

Under comments, Councilmember Roby reminded everyone the Census forms are being mailed out this week. She stated the numbers are very important and encouraged everyone to fill them out and return them.

City Administrator Mandsager stated that at the February 18, 2010 City Council meeting, Council had agreed to take action on the request from Dan Clark and Kent Sissel concerning the establishment of the Alexander Clark Historical District. He asked City Council if they would consider a motion to establish this district.

#20955. Councilmember Lange moved to approve the establishment of the Alexander Clark Historical District. Seconded by Councilmember LeRette.

Councilmember Fitzgerald asked if there would be any expense to the city.

City Administrator Mandsager stated Mr. Clark and Mr. Sissel would be coming back to City Council to share their various ideas. He stated there is no cost to the city and there are no legal connotations.

Vote – All ayes; motion carried.

City Administrator Mandsager stated he had received an e-mail earlier today from Muscatine Power & Water concerning the installation of LED street lighting. He stated they are seeking a letter of support from the city. He stated he would be submitting the letter tomorrow if there were no objections from City Council tonight.

City Administrator Mandsager stated the city would be performing energy audits and assessments before applying for grants to assist in upgrades to the boilers at city hall, the library and art center as well as to the lighting system at Kent Stein Park.

City Administrator Mandsager stated payment had been received from the State of Iowa for the signs installed for Dick Drake Way and that the guardrails had been installed on Cedar Street. He stated the Police Department will be submitting a grant application for \$19,000 for the replacement of AED's in the squad cars. He then stated he will be attending the IMMI conference in Iowa City on March 24-26, 2010 but will be available by e-mail should the need arise.

#20956. Councilmember Fitzgerald moved the meeting be adjourned at 7:45 p.m. Seconded by Councilmember Roby. All ayes; motion carried.



Richard W. O'Brien
Richard W. O'Brien, Mayor

Gregg Mandsager
Gregg Mandsager, City Administrator